



United States Department of the Interior

FISH AND WILDLIFE SERVICE



IN REPLY REFER TO:
FWS-2019-01181

1 Wildlife Drive
Sanibel, Florida 33957

January 28, 2020

Lisa Diaz
Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, Louisiana 70118

Dear Ms. Diaz:

The Fish and Wildlife Service Atlanta Regional FOIA office received your Freedom of Information Act (FOIA) request, dated September 20, 2019, on September 20, 2019 and assigned it control number FWS-2019-01181. Please cite this number in any future communications with our office regarding your request.

In your request, you asked for:

1. *Any documentation from March 12, 2018 to the present of consultation and/or correspondence between FWS and the Environmental Protection Agency and/or the Louisiana Department of Environmental Quality related to the revision of Dissolved Oxygen criteria for the eastern Lower Mississippi River Alluvial Plains Ecoregion. This includes, but is not limited to, discussions relating to the Louisiana Department of Environmental Quality's upcoming triennial review.*
2. *Any documentation and/or data related to the location and distribution of the Atlantic Sturgeon (Gulf subspecies), both adults and juveniles, in all water bodies that discharge into Lake Pontchartrain and Lake Maurepas. This includes, but is not limited to, detection, distribution, reconnaissance, telemetry and sampling data.*
3. *Any documentation regarding the Atlantic Sturgeon (Gulf subspecies) in Louisiana submitted to, or relied upon by, the FWS in connection with the 2019 five-year status review of the Atlantic Sturgeon (Gulf subspecies).*

Response

We are writing to respond to your request. We provided a partial response to Item #1 of your request on November 26, 2019. After a thorough search of our files, there was one (1) additional record responsive to Item #1 of your request that primarily concerns the Environmental Protection Agency (EPA), a Federal Government agency that is also subject to FOIA. For this record, EPA will issue a response directly to you. You do not have to contact EPA at this time, but should you need to do so in the future, you may do so at:

*Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (ORC-DF)
Dallas, TX 75202-2733
(214) 665-3179*

The remaining record we located have been referred to EPA.

It has also been determined that our office has no records responsive to Items 2 and 3 of your request. Per our conversation on January 22, 2020, the Field Office has expressed that the Baton Rouge Fish and Wildlife Conservation Office are in possession of the records you seek for Items 2 and 3. The contact information for that office is as follows:

*Glenn C. Constant, Project Leader
237 Parker Coliseum, LSU
Baton Rouge, LA 70803
Phone: (225) 578-4243
Fax: (225) 578-4210*

Amy Trahan, Fish and Wildlife Biologist, is responsible for this denial.

Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the Fish and Wildlife Service concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the Fish and Wildlife Service will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information
Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240*

Attn: FOIA/Privacy Act Appeals Office

*Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov*

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Mediation Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

*Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://www.archives.gov/ogis>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448*

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

You may also seek dispute resolution services from our FOIA Public Liaison , Cindy Cafaro at (888) 603-7119.

If you have any questions about our response to your request, you may contact me by phone at (404) 679-4104 or by email at foiar4@fws.gov.

Sincerely,

1/28/2020

X Tiffany McClurkin

Tiffany McClurkin
Region 4 FOIA Coordinator
Signed by: TIFFANY MCCLURKIN